IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION NO. 1242 OF 2006

Single Bench

PETITIONER

Jitendra Kumar Rathore, S/o Shri R. L.Rathore, aged about 48 years, posted as S. D. O. (Rural Engineering Services), Lormi, District Bilaspur, (Chhattisgarh)

P.R. No. 1300/1-1
Presented by Dhruv Lochan
dated 8/3/06

VERSUS

RESPONDENTS

1. State of Chhattisgarh through Secretary Department of Panchayat & Rural Development, Mantralaya Dau Kalyan Singh Bhawan, Raipur (Chhattisgarh)

2. Chief Engineer, Rural Engineering Services Development Commissioner Raipur (Chhattisgarh)

3. Executive Engineers, Rural Engineering Services Development, Lormi, Distt. Bilaspur (Chhattisgarh)

4. L. K. Ladia, Asstt. Engineer In the Office of Chief Engineer, Hasdeo Kachhar, W. R. D. Bilaspur (Chhattisgarh)

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8/3/06
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WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

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XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	14-7-2006 W.P.Nos.1000/2006, 968/2006, 970/2006, 971/2006, 973/2006, 974/2006, 1034/2006, 1173/2006, 1182/2006, 1241/2006, 1242/2006 & 2929/2006. Petitioners by Shri P. Diwakar & Shri Manindra Shrivastava, Senior Advocates with Kum. Sunita Jain, Shri Afroz Khan, Shri Anup Mazumdar, Shri Rajesh Jain, Smt. Yashita Maseeh on behalf of Smt. Hamida Siddique, Shri Manoj Paranjpe, Advocates. Shri Rajeev Shrivastava, counsel for respondent No.4 in W.P. No.971/2006. Shri Pankaj Shrivastava, counsel for respondents No.12, 18 & 30 in W.P.No.1000/2006. Shri Vinay Pandey, counsel for respondents No.13, 32 & 42 in W.P. No.1000/2006. State/respondents by Shri P.K. Verma, Additional Advocate General with Shri V.V.S. Murthy & Shri G.K. Beriwal, Deputy Advocate Generals and Shri Sumesh Bajaj, Government Advocate. Shri R.P. Mandal, Secretary, Panchayat & Rural Development Department; Shri N.S. Bhadoriya, Engineer-in-Chief, Water Resources Department; Shri M.L. Haldkar, CEO, CGRRDA; Shri S.K. Gupta, Chief Engineer, Rural Engineering Services; Shri S.N. Shrivastava, Superintending Engineer, PMGSY, Circle: Raipur & Officer-in-Charge, and Shri Subodh Shrivastava, Executive Engineer, Water Resources Departments & Officer-in-Charge are present in Court.	

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Heard.

By these writ petitions, the petitioners, who are working on various posts in the Department of Rural Engineering Services, have questioned the legality and correctness of orders dated 17-2-2006 and 12-6-2006, whereby the Sub-Engineers of Water Resources Department have been appointed/ transferred in the Rural Engineering Services Department.

As far as the impugned orders dated 17-2-2006 & 12-6-2006 are concerned, same are already quashed vide order dated 14-7-2006 passed in W.P.Nos.1103/2006 & 2921/2006 and similar other connected petitions.

As far as the prayer made by the petitioners that respondent No.1 be directed not to post any person on deputation in the RES Department, is concerned, Shri Pramod Verma & Shri V.V.S. Murthy made a statement at the Bar that the Department is not going to appoint any Officer by way of deputation/appointment/transfer on any post of the Rural Engineering Services Department which are regular sanctioned posts as per scheduled attached with the rules and are lying vacant.

Therefore, in view of the statement made at the Bar by Shri P.K. Verma and Shri V.V.S. Murthy in presence of the Officers of the State, the petitions are allowed to the extent that the existing post of RES Department shall not be filled by way of deputation/transfer/appointment by bringing officials from the other Departments.

As far as the prayer that the respondents be directed to convene DPC and fill up the promotional posts which are lying vacant, is concerned, at the first instance, the respondents have already made it clear in reply that they

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

are going to fill up these posts. Even today, at the Bar, a statement has been made that the Department is in the process of filling up of these posts by way of promotion, in accordance with the rules. Therefore, in view of the above statement, the relief claimed by the petitioners' stands answered.

In the above terms, the petitions are allowed and orders dated 17-2-2006 & 12-6-2006 are quashed.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

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